

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-28 remain pending in the case. Claims 1-28 are rejected. Claims 1-19, 21-23 and 28 are amended. No new matter has been added.

35 U.S.C. §112, second paragraph

Claims 1, 11 and 28 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the rejection is based on the use of the term “substantially compliant.” Claims 1, 11 and 28 are amended, removing the term “substantially.” Therefore, Applicants respectfully assert that a discussion of the rejection of Claims 1, 11 and 28 under 35 U.S.C. §112, second paragraph, is moot at this time.

35 U.S.C. §102(e)

Claims 1-7 and 10-27 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,751,623 by Basso et al., hereinafter referred to as the “Basso” reference. Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1-7 and 10-27 are not anticipated by Basso in view of the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A method for dynamically updating descriptions of audio-visual content information, said method comprising:
issuing a command indicating the type of update of at least one node of a structure of a description, wherein nodes of said structure comprise said descriptions of portion of said audio-visual content information;
specifying the location of a node in said description to perform said update, wherein said description is compliant with the MPEG-7 standard; and
updating said description using Data Description Language (DDL).

Independent Claims 11 and 23 recite similar limitations. Claims 2-7 and 10 that depend from independent Claim 1, Claims 12-22 that depend from independent Claim 11, and Claims 24-27 that depend from independent Claim 23 provide further recitations of the features of the present invention.

According to the Federal Circuit, “[a]nticipation requires the disclosure in a single prior art reference of each claim under consideration” (W.L. Gore & Assocs. v. Garlock Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983)). However, it is not sufficient that the reference that the reference recite all the claimed elements. As stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention “arranged as in the claim” (emphasis added; Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)).

Basso and the claimed invention are very different. Applicants understand Basso to teach enhanced audiovisual coding and storage techniques related to the MPEG-4 format. Basso describes the enhanced video coding and storage techniques in great detail in terms of the MPEG-4 file format (see at least col. 5, lines 5-17). In particular, Basso does not teach or describe “specifying the location of a node in said description to perform said update, wherein said description is compliant with the MPEG-7 standard,” as claimed (emphasis added).

As stated above, it is not sufficient for the Basso reference to simply state the possible similarity of the “forthcoming MPEG-7” video standard for purposes of anticipating the claimed invention. Basso specifically states that the newly described Flexible-Integrated Intermedia Format (F-IIF) “can be visualized as a natural umbrella and unification tool for other Intermedia formats proposed in MPEG-4 and possibly a basis of the forthcoming MPEG-7” (col. 3, lines 37-41; emphasis added).

Such a statement, that F-IIF may possibly provide a basis for the forthcoming MPEG-7, does not rise to the level of sufficiency required in an anticipation rejection. For instance, the system of Basso is described using F-IIF (see at least col. 3, lines 37-41) and IIF (see at least col. 5, line 64 through col. 6,

line 22). In particular, Basso does not describe, teach or suggest that either F-IIF or IIF are supported by or compatible with the MPEG-7 standard.

Examiner relies on the teaching of Basso that scene descriptions use “a tree-based structure, following the Virtual Reality Markup Language (VRML) design” (col. 4, lines 60-62). Applicants respectfully assert that Basso does not teach, describe or suggest that VRML or a structure based on VRML is supported by the MPEG-7 format.

Applicants respectfully assert that Basso does not teach, describe or suggest the embodiments arranged as in the claims. In particular, Basso does not teach, describe or suggest “specifying the location of a node in said description to perform said update, wherein said description is compliant with the MPEG-7 standard,” as claimed (emphasis added).

Moreover, Applicants respectfully assert that Basso does not teach, describe or suggest “updating said description using Data Description Language (DDL),” as claimed. Applicants have reviewed the Basso reference and are unable to locate any teaching as to the use of DDL.

Therefore, Applicants respectfully assert that nowhere does Basso teach, disclose or suggest the claimed embodiments of the present invention as recited in independent Claims 1, 11 and 23, that these claims overcome the rejection

under 35 U.S.C. § 102(e), and are thus in a condition for allowance. Applicants respectfully submit that Basso also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-7 and 10 that depend from independent Claim 1, Claims 12-22 that depend from independent Claim 11, and Claims 24-27 that depend from independent Claim 23. Therefore, Applicants respectfully submit that Claims 2-7, 12-22 and 24-27 also overcome the rejection under 35 U.S.C. § 102(e), and are in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §103(a)

Claims 8, 9, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Basso in view of ISO/IEC MPEG 00/N3575, hereinafter the "ISO/IEC" reference. Claims 8 and 9 depend from independent Claim 1 and Claim 28 depends from independent Claim 23. Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 8, 9 and 28, is not unpatentable over Basso in view of ISO/IEC for the following rationale.

Applicants respectfully assert that the combination of Basso and ISO/IEC fails to teach or suggest the present invention as claimed because the combination of Basso and ISO/IEC does not satisfy the requirements of a *prima facie* case of obviousness. In order to establish a *prima facie* case of obviousness, the prior art must suggest the desirability of the claimed invention

(MPEP 2142). In particular, “if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious” (emphasis added) (MPEP 2143.01; *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). Moreover, “[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed amendment” (emphasis added) (MPEP 2143.01; *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

Applicants understand Basso to teach enhanced audiovisual coding and storage techniques related to the MPEG-4 format. In particular, the principle of operation of Basso is to provide such enhancement using MPEG-4 compatible frameworks and structures. For instance, Basso teaches the use of F-IIF, IIF, and VRML, all of which are for use in the MPEG-4 format.

Applicants respectfully assert that Basso does not teach, describe or suggest how to implement the MPEG-4 based techniques using MPEG-7. In particular, Basso does not describe, teach or suggest that F-IIF, IIF or VRML are supported by or compatible with the MPEG-7 standard. Applicants respectfully submit that it is not sufficient for the Basso reference to simply state the possible similarity of the “forthcoming MPEG-7” video standard for purposes of teaching

the modifications of the MPEG-4 based techniques for compliancy with the MPEG-7 standard, as claimed.

In contrast, ISO/IEC teaches the use of DDL in MPEG-7. Applicants respectfully assert that modifying Basso to include the use of DDL in MPEG-7 as taught in ISO/IEC would render Basso inoperable for its intended purpose. Neither Basso nor ISO/IEC teach, describe or suggest that MPEG-4 and MPEG-7 are equivalent and freely interchangeable, as suggested by the Examiner. In contrast, Basso teaches the use of MPEG-4 compatible frameworks and structures such as F-IIF, IIF, and VRML, while ISO/IEC teaches the use of MPEG-7 based DDL. Neither Basso nor ISO/IEC teach, describe or suggest that these frameworks are interchangeable. More particularly, neither Basso nor ISO/IEC teach, describe or suggest how MPEG-4 and MPEG-7 are interchangeable.

Applicants respectfully assert that modifying Basso to support the use of MPEG-7 data, as suggested by the Examiner, would change the principle of operation of Basso. In particular, such a modification would render Basso inoperable, as there is no suggestion that DDL is compliant for use with MPEG-4. Therefore, Applicants respectfully assert that there is no suggestion to combine the teachings of Basso and ISO/IEC as suggested by the Examiner, as the teaching of Basso teaches away from the combination with ISO/IEC.

Applicants respectfully assert that nowhere does the combination of Basso and ISO/IEC teach, disclose or suggest the present invention as recited in amended independent Claims 1 and 23, that these claims overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in condition for allowance. Therefore, Applicants respectfully submit that the combination of Basso and ISO/IEC also does not teach or suggest the additional claimed features of the present invention as recited in Claims 8 and 9 that are dependent on allowable base Claim 1 and Claim 28 that is dependent on allowable base Claim 23. Applicants respectfully submit that Claims 8, 9 and 28 overcome the rejection under 35 U.S.C. § 103(a) as these claims are dependent on allowable base claims.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-28 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
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